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in
09-U-52*

Furthermore, the FOP's claim that MPD's actions meet the criteria of Board Rule 520.15 is a repetition of the allegations contained in the Complaint. Even if the allegations are ultimately found to be valid, it does not appear that any of MPD's actions constitute clear-cut flagrant violations, or have any of the deleterious effects the power of preliminary relief is intended to counterbalance. MPD's actions presumably affect Chairman Baumann and other bargaining unit members. However, MPD's actions stem from a single action (or at least a single series of related actions), and do not appear to be part of a pattern of repeated and potentially illegal acts. While the CMPA prohibits the District, its agents and representatives from engaging in unfair labor practices, the alleged violations, even if determined to have occurred, do not rise to the level of seriousness that would undermine public confidence in the Board's ability to enforce compliance with the CMPA. Finally, while some delay inevitably attends the carrying out of the Board's dispute resolution process, the FOP has failed to present evidence which establishes that these processes would be compromised, or that eventual remedies would be inadequate, if preliminary relief is not granted.

We conclude that the FOP has failed to provide evidence which demonstrates that the allegations, even if true, are such that remedial purposes of the law would be served by *pendente lite* relief. Moreover, should violations be found in the present case, the relief requested can be accorded with no real prejudice to the FOP following a full hearing.

For the reasons discussed above, we deny the FOP's request for preliminary relief. Also, the Board previously denied FOP's request for preliminary relief in PERB Case Nos. 09-U-41, 09-U-42 and 09-U-43 (See Slip Op. Nos. 972, 974 and 985). In addition, we consolidated PERB Case No. 09-U-41, PERB Case No. 09-U-42 and PERB Case No. 09-U-43 and referred the consolidated matter to a Hearing Examiner for disposition (see Slip Op. No. 985 at p. 7). The present case (PERB Case No. 09-U-51) involves the same parties and issues presented in PERB Case Nos. 09-U-41, 09-U-42 and 09-U-43. As a result, we: (a) are consolidating the instant case (PERB Case No. 09-U-51) with PERB Case No. 09-U-52, PERB Case No. 09-U-42 and PERB Case No. 09-U-43; and (b) direct the development of a factual record through an unfair labor practice hearing.

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also, MPD has requested that this case (PERB case No. 09-U-52) be consolidated with PERB Case No. 09-U-53. FOP does not oppose MPD's request to consolidate. We find that

*we
grant MPD's
request
to consolidate
and*

Furthermore, the FOP's claim that MPD's actions meet the criteria of Board Rule 520.15 is a repetition of the allegations contained in the Complaint. Even if the allegations are ultimately found to be valid, it does not appear that any of MPD's actions are flagrant violations, or have any of the deleterious effects the power of preliminary relief is intended to combat. MPD's actions presumably affect Chairman Baumann and other bargaining unit members. However, MPD's actions stem from a single action (or at least a single series of related actions), and do not appear to be part of a pattern of repeated and potentially illegal acts. While the CMA prohibits the District, its agents and representatives from engaging in unfair labor practices, the alleged violations, even if repeatable occurred, do not rise to the level of seriousness that would undermine public confidence in the Board's ability to enforce compliance with the CMA. Finally, while some delay inevitably attends the carrying out of the Board's dispute resolution process, the relief requested by the Board, even if true, are such that remedies of the law would be served by prompt and effective relief.

We conclude that the FOP has failed to provide evidence which demonstrates that the allegations, even if true, are such that remedies of the law would be served by prompt and effective relief.

For the reasons discussed above, we deny the FOP's request for preliminary relief. A letter to the Board requesting denial of FOP's request for preliminary relief in PERB Case Nos. 09-U-42 and 09-U-43 (See Slip Op. Nos. 972, 974 and 985). In addition, we consider the PERB Case No. 09-U-41, PERB Case No. 09-U-42 and PERB Case No. 09-U-43 and referred the complaint case (PERB Case No. 09-U-41) to a Hearing Examiner for disposition (See Slip Op. No. 985 at p. 7).

The present case (PERB Case No. 09-U-42 and 09-U-43). As a result, we: (a) are considering the instant case (PERB Case No. 09-U-41) with PERB Case No. 09-U-42 and (b) direct the development of a factual record through an unfair labor practice hearing.

and PERB Case No. 09-U-43; and (b) direct the development of a factual record through an unfair labor practice hearing.

also, MPD has indicated that this case
not appear MPD's request to
all PERB Case No. 09-U-42
(PERB Case No. 09-U-42) be dismissed
all PERB Case No. 09-U-43.
and
we

For the reasons discussed above, we deny the FOP's request for preliminary relief. A letter to the Board requesting denial of FOP's request for preliminary relief in PERB Case Nos. 09-U-42 and 09-U-43 (See Slip Op. Nos. 972, 974 and 985). In addition, we consider the PERB Case No. 09-U-41, PERB Case No. 09-U-42 and PERB Case No. 09-U-43 and referred the complaint case (PERB Case No. 09-U-41) to a Hearing Examiner for disposition (See Slip Op. No. 985 at p. 7).

The present case (PERB Case No. 09-U-42 and 09-U-43). As a result, we: (a) are considering the instant case (PERB Case No. 09-U-41) with PERB Case No. 09-U-42 and (b) direct the development of a factual record through an unfair labor practice hearing.

and PERB Case No. 09-U-43; and (b) direct the development of a factual record through an unfair labor practice hearing.

also, MPD has indicated that this case
not appear MPD's request to
all PERB Case No. 09-U-42
(PERB Case No. 09-U-42) be dismissed
all PERB Case No. 09-U-43.
and
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